



UNITED STATES PATENT AND TRADEMARK OFFICE

m-L

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/038,859

01/03/2002

Jean-Claude Sarfati

11345.040001

6371

22511

7590

10/23/2006

OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/038,859	SARFATI ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/31/06 has been entered.

Response to Arguments

Applicant's arguments filed 8/31/06 have been fully considered but they are not persuasive.

Page 6, last paragraph (claim 4):

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., where the examination of the content occurs before the assigning of the expiration) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments with respect to the remaining claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher in view of Brotz, in further view of Lambert.

Referring to claim 1, Boucher discloses a method for administrating information in an interactive communication system comprising:

receiving a request for information (figure 2, box 210), wherein the request for information comprises at least one selected from the group consisting of a request from a user and a request resulting from execution of a program (column 8, lines 53-55);

determining whether the information is available in a cache memory (figure 2, box 220):

if the information is available in the cache memory (figure 2, boxes 220 and 230):

determining whether a duration of validity associated with the information is expired (figure 2, box 230);

loading the information from the cache memory into a buffer memory if the duration of validity associated with the information is not expired (figure 2, box 240);

and storing the updated information in the cache memory (figure 2, box 240) and the buffer memory (column 1, lines 33-34 and 55-57), if the duration of validity associated with the information is expired (figure 2, boxes 230 and 260):

if the information is not available in the cache memory (figure 2, boxes 220 and 260):

downloading the updated information from the broadcast source (figure 2, box 260):

and storing the updated information in the cache memory (figure 2, box 201) and the buffer memory (column 1, lines 33-34 and 55-57).

Boucher does not disclose a method for downloading updated information from a broadcast source, and affixing at least one portion of the updated information with a duration of validity.

Brotz discloses a method for downloading updated information from a broadcast source (figure 1A, parts 150 and 190; figure 3, parts 130, 132, and 150), and affixing at least one portion of the updated information with a duration of validity (column 10, lines 37-40).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a broadcast source to transmit internet data to the receiver, as taught by Brotz. The motivation would have been that Boucher discloses that the data could be read from another content data source (column 7, lines 1-2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the validation updating taught by Brotz to the method disclosed by

Boucher. The motivation would have been to collect updated information to help perform the cache maintenance.

Boucher and Brotz do not disclose a method wherein the duration of validity is a period of time during which the information is valid, and wherein the duration of validity is determined based on a type of information.

Lambert discloses a method wherein the duration of validity is a period of time during which the information is valid, and wherein the duration of validity is determined based on a type of information (column 32, lines 3-4 and 7-10).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the validity updating taught by Lambert to the method disclosed by Boucher and Brotz. The motivation would have been to allow certain media (such as the news) to have a shorter expiration period as the content would not be worth caching for a long period of time.

Claim 11 is rejected on the same grounds as claim 1.

Referring to claim 4, Boucher and Brotz do not disclose a method according to claim 1, wherein duration of validity is affixed to the updated information based on the content of the updated information.

Lambert discloses a method according to claim 1, wherein duration of validity is affixed to the updated information based on the content of the updated information (column 32, lines 3-4 and 7-10).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the validity updating taught by Lambert to the method disclosed by Boucher and Brotz. The motivation would have been to allow certain media (such as the news) to have a shorter expiration period as the content would not be worth caching for a long period of time.

Referring to claim 7, Boucher discloses a method according to claim 1, wherein an identifier is affixed to the updated information is based on the content of the updated information (column 6, lines 49-54).

Referring to claim 8, Boucher discloses a method according to claim 7, wherein the identifier associated with the updated information is based on the content of the updated information (column 10, lines 1-3).

Referring to claim 9, Boucher discloses a method according to claim 7, for the administration of data information associated with program information, a first identifier is affixed to a data information, wherein the first identifier depends from a second identifier that is affixed to associated program information (column 6, lines 49-54).

Referring to claim 10, Boucher discloses a method according to claim 1, wherein the updated information is stored in the cache memory and the buffer memory in the

form of one selected from the group consisting of tables of Motion Picture Expert Group (MPEG) sections (column 10, lines 32-33).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher in view of Brotz, in further view of Lambert as applied to claim 1 above, and further in view of MacPhail.

Referring to claim 6, Boucher, Brotz, and Lambert do not disclose a method according to claim 1, wherein an arbitrary predetermined duration of validity is affixed to the updated information.

MacPhail discloses a method according to claim 1, wherein an arbitrary predetermined duration of validity is affixed to the updated information (column 2, line 68; column 3, lines 1-6).

At the time of the invention it would have been obvious for one of ordinary skill in the art to set a predetermined expiration time as taught by MacPhail in the method disclosed by Boucher, Brotz, and Lambert. The motivation would have been to enable the media to have an expiration data regardless of user intervention.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600